

IN RE: BellSouth Telecommunications, Incorporated ) ORDER GRANTING  
Transit Traffic Tariff No. 2005-50 ) PETITION IN PART  
)

At the beginning of the scheduled hearing, counsel for both BellSouth and SCTC informed the Commission that the parties had “reached an agreement, in principle.” In fact, the parties had executed a “Term Sheet” that set forth the general terms of the agreement in principle. SCTC’s counsel further noted that, as a result of the agreement, the proposed tariff would not apply to the South Carolina Telephone Coalition

Companies. Accordingly, SCTC did not take a position with regard to the proposed tariff at the proceeding.

This Commission subsequently issued Order No. 2006-199, which dismissed ALLTEL's complaint and found that the other "complaints against BellSouth in this matter should also be dismissed, since the complainants and BellSouth were able to negotiate commercial agreements." Unfortunately, as SCTC noted in its Petition, although SCTC and BellSouth were able to reach an agreement in principle and have continued negotiations, the two parties have not been able to resolve the final details of a settlement agreement. Based on a reading of the Order, SCTC believes that the proposed tariff may now only apply to SCTC companies, since every other participant in the proceeding has now reached a commercial agreement with BellSouth. SCTC asserts that it does not believe that this is the Commission's intent, based upon representations made at the hearing in the matter.

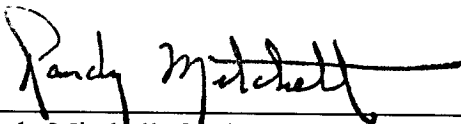
Accordingly, SCTC requests that the SCTC Petition be held in abeyance and not dismissed until such time as the parties have reached a final agreement. In the unlikely event that the parties do not reach agreement, SCTC reserves the right to bring the issues back before the Commission for resolution.

BellSouth states that the two parties have participated in a number of conference calls to attempt to finalize an agreement and have had at least one face-to-face meeting. BellSouth notes that the parties have been negotiating for some two years. For this reason, BellSouth requests that this Commission set a hearing on SCTC's complaint within thirty (30) days, or as soon thereafter as possible, while negotiations continue.

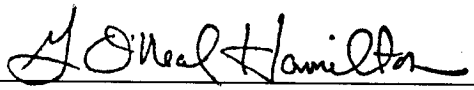
We have examined both SCTC's Petition for Reconsideration and BellSouth's response. The Petition is granted in part. The parties have an agreement in principle, but have not been able to finalize said agreement. However, it is clear that the parties are continuing their negotiations and expect to resolve the final details in the near future. Therefore, we hold that the SCTC Complaint in this matter shall be reopened and held in abeyance for thirty (30) days from the date of this Order to allow the parties time to finalize their agreement. The parties shall report their progress to the Commission within thirty (30) days of the date of this Order. If no agreement is finalized within this period, this Commission will then reassess this matter and take whatever action it deems appropriate.

This Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:

  
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Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice-Chairman

(SEAL)